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10/507,248	09/10/2004	Denis Mischler	PF020020	9084

EXAMINER	
NICKERSON, JEFFREY L	

ART UNIT	PAPER NUMBER
2109	

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/507,248

Applicant(s)

MISCHLER ET AL.

Examiner

Jeffrey Nickerson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10 September 2004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

1. This communication is in response to Application No. 10/507,248 filed on 10 September 2004. Amendments to the abstract and claims have been noted. Claims 1-11 have been examined.

### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "1" and "9" have been used to designate separate entities. Reference character "1" represents both a HAVi home network (Figure 2) and a 1394 network (Figure 3). Not all 1394 networks are HAVi networks and therefore the reference numbers cannot be used interchangeably. Reference character "9" represents both the internet (Figure 2) and an Ethernet network (Figure 3). Not all Ethernet networks are the Internet and therefore the reference numbers cannot be used interchangeably. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of

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any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance. If the reference numbers are changed in the drawings, thereby introducing new reference characters, the applicant is reminded to amend the new characters into the specification.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 6 and 11. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to because character 4 in Figure 2 points to the same block as character 2 in Figure 2. Character 4 should be amended to point to the correct block, as defined in the specification, the HAVi messaging system. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to

avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract

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on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Appropriate correction is required.

6. The disclosure is objected to because of the following informalities: Incorrect grammar. Paragraph [0032] of the US pre-grant publication (page 6, line 3 of PCT specification) should have the word "use" changed to "uses".

Appropriate correction is required.

### ***Claim Objections***

7. Claim 1 is objected to because of the following informalities: poorly structured preamble. The examiner identifies that the "non-IP based network having event management capabilities" is a limitation to the claim. The examiner requests the preamble of claim 1 be restructured to read as follows:

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"Method for implementing an update mechanism between an HTTP gateway and a web client, both connected to a non-IP based network that has event management capabilities, comprising the steps of..." Appropriate correction is requested.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Fox et al (US 6,421,781 B1).

Regarding claim 8, Fox teaches an HTTP gateway (Fox: push/proxy server; Fox: col 4, lines 1-8 and 23-31 specify the proxy server could be an HTTP gateway) for connecting a non-IP network (Fox: Figure 2, items 102 and .172) with an IP network (Fox: Figure 2, item 104) comprising:

means for sending at least one event (Fox: update information) to the non-IP based network when the update of a data object occurs on an IP server (Fox: col 2,

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lines 8-15 specify the push/proxy server passing the update information to the client device; Fox: col 6, lines 23-25 specify that Fox uses "push" and "proxy" interchangeably) (This limitation is being treated under 35 USC 112 6<sup>th</sup> paragraph; The structure of an event manager as defined by applicant is equivalent to the messenger defined by the prior art (Fox: Figure 2, item 208))

Regarding claim 9, Fox teaches wherein the event contains an identifier of the updated data object. (Fox: col 11, lines 25-28 specify a URL identifier; Fox col 6, lines 1-13 further details the notification information)

Regarding claim 10, Fox teaches wherein the data object is an HTML page and the identifier is the HTML page address. (Fox: col 12, lines 40-42 specify the identifier could be a URL to an HTML page, which implies that the HTML page is the object)

Regarding claim 11, Fox teaches an HTTP gateway further comprising:

means for receiving an event registration request from a non-IP device for notification of said object update. (Fox: col 2, lines 1-15 specify a user subscribing for updates from a web server; Fox: Figure 2 and col 5 lines 25-39 imply that the client devices communicate through the push/proxy server in order to subscribe with the web server. This subsequently implies the push/proxy server receives the subscription requests at some point.) (This limitation is being treated under 35 USC 112 6<sup>th</sup>



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paragraph; The structure of an event manager defined by applicant is equivalent to the messenger defined by the prior art (Fox: Figure 2, item 208))

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox et al (US 6,421,781 B1), and further in view of HAVi Inc. (The HAVi Specification, v1.1, 15 May 2001).

Regarding claim 1, Fox teaches a method for implementing an update mechanism between an HTTP gateway (Fox: Figure 2, item 114) and a web client (Fox: Figure 2, items 106 and 176), both connected to a non-IP based network (Fox: Figure 2, items 102 and 172), said non-IP network having event management capabilities (Fox: Figure 2, items 208 and 214; notification management), comprising the steps of:

by the web client, subscribing for notification of events comprising information of an update of a data object of the HTTP gateway (push/proxy server) (Fox: col 2, lines 1-

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15 specify a user subscribing for updates to be pushed via a proxy server; Fox: col 4, lines 1-8 and 23-31 specify the proxy server could be an HTTP gateway;)

by the HTTP gateway (push/proxy server), sending said event on the non-IP based network when the update occurs (Fox: col 2, lines 8-15 specify the push/proxy server passing the update information to the client device)

by the web client, receiving said event (Fox: col 11, lines 28-30 specify receiving the alert) and requesting transmission of the updated data object from the HTTP gateway (push/proxy server) (Fox: col 11, lines 30-33 specify the user then requesting the updated object)

Fox does not teach the web client subscribing to a local event manager, his client devices subscribe directly to the IP server.

HAVi Inc, in a similar field of endeavor, teaches that the software elements can subscribe to a local event manager. (HAVi, Inc.: Section 5.4.1, paragraph below the table)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of HAVi Inc. for managing local event subscriptions. The teachings of HAVi Inc., when implemented in the Fox system, would allow for a more selective distribution of event notifications. One of ordinary skill in the art would be motivated to utilize the teachings of HAVi Inc. in the Fox system in order to "use the SEID to send event notifications messages to the software elements" that subscribed to that event notification locally. (HAVi Inc.: Section 5.4.1, paragraph below the table).

Regarding claim 2, this method claim comprises limitations substantially similar to that of claim 9 and the same rationale of rejection is used, where applicable.

Regarding claim 3, this method claim comprises limitations substantially similar to that of claim 10 and the same rationale of rejection is used, where applicable.

Regarding claim 4, the Fox/HAVi Inc. system teaches a device hosting a web client (Fox: Figure 2, items 106 and 176) in a non-IP network (Fox: Figure 2, items 102 and 172) comprising:

means for registering with an event manager of the non-IP network to receive at least one event (HAVi Inc.: Section 5.4.1, paragraph below the table) (This limitation is being treated under 35 USC 112 6<sup>th</sup> paragraph; The structure of a software element as defined by applicant is equivalent to the prior art (HAVi Inc.: Section 5.4.1, paragraph below the table))

means for requesting transmission of an updated data object according to the information obtained in said at least one event. (Fox: col 11, lines 24-33) (This limitation is being treated under 35 USC 112 6<sup>th</sup> paragraph; The structure of a web browser as defined by applicant is equivalent to a web browser defined by the prior art (Fox: col 4, lines 32-47))

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Regarding claim 5, this device claim comprises limitations substantially similar to that of claim 9 and the same rationale of rejection is used, where applicable.

Regarding claim 6, this device claim comprises limitations substantially similar to that of claim 10 and the same rationale of rejection is used, where applicable.

12. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fox et al (US 6,421,781 B1), in view of HAVi Inc. (The HAVi Specification, v1.1, 15 May 2001), and further in view of Anderson et al (US 6,137,801).

Regarding claim 7, the Fox/HAVi Inc. system teach a device wherein

said means for registering with an event manager (HAVi, Inc.: Section 5.4.1, paragraph below the table) which communicates to a gateway for connection of the non-IP network to an IP network (Fox: Figure 2, item 114) (This limitation is being treated under 35 USC 112 6<sup>th</sup> paragraph; The structure of a software element as defined by applicant is equivalent to the prior art (HAVi, Inc: Section 5.4.1, paragraph below the table))

wherein said event manager is adapted to generating said event (HAVi, Inc.: Section 5.4.3, subsections EventManager::PostEvent and EventManager::ForwardEvent) upon detection of an updated data object on a server

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device of the IP network. (Fox: col 6, lines 1-25 specify sending a notification to the client device upon detecting a notification from the server)

The Fox/HAVi Inc. system does not teach the gateway having its own event manager that allows registration of software elements.

Anderson, in a similar field of endeavor, teaches registration with an event manager of a gateway (Anderson: col 5, lines 4-8 specify applications and processes registering with the gateway)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Anderson for having applications and processes register with the gateway device. The teachings of Anderson, when implemented in the Fox/HAVi Inc. system, would allow for selectively distributing messages and events to particular devices. One of ordinary skill in the art would be motivated to utilize the teachings of Anderson in the Fox/HAVi Inc. system in order to quickly and accurately "route the message and arguments to the receiving process." (Anderson: col 5, lines 20-23)

**Conclusion**

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Allavarpu et al (US 7,010,586 B1) discloses a system and method where CORBA gateway manages applications and devices based on subscriptions.
- b. Irani (US 6,993,570 B1) discloses a system and method for pushing content to non-IP based devices via a containment framework.
- c. Akatsu et al (US 6,523,064 B1) discloses a gateway device that interfaces an IP network with an IEEE 1394 network and obtains geographic location information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Nickerson whose telephone number is 571-270-3631. The examiner can normally be reached on M-Th, 7:30-5:00.

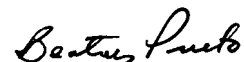
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beatriz Prieto can be reached on 571-272-3902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jeffrey Nickerson  
TC 2100  
Patent Examiner  
September 5, 2007



BEATRIZ PRIETO  
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